

**He pushed down on him, etc.**

**כבש עליו כולי –**

### **OVERVIEW**

The משנה in סנהדרין (cited in our גמרא) states two laws; if a person held someone down forcefully in fire or in water,<sup>1</sup> where the victim cannot escape (since he is being held down), the assailant is חייב מיתה, however if he pushed someone into fire or water, where the person was able to escape, but did not and died, the assailant is פטור. Seemingly the determining factor here is whether the victim can escape (where the assailant is פטור), or not (where the assailant is חייב), why in the first case does the משנה mention כבש and in the second דחפו, when seemingly the same law will apply in either case. תוספות answers this question.

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**באלו הן הנשרפין (סנהדרין דף עו, ב ושם) מפרש דרישא נקט כבש לרבותא וסיפא נקט דחפו לרבותא:**  
The גמרא in סנהדרין explains that in the רישא he mentions כבש for a novelty, that even though he did not push him into the water or fire, nevertheless since he is holding him and not allowing him to escape he is liable, and in the סיפא he mentions דחפו for a novelty, that even though he actually pushed him into the fire or water, nevertheless since the victim was still able to escape, he is not liable.

### **SUMMARY**

There is a reason for mentioning כבש in the רישא and דחפו in the סיפא.

### **THINKING IT OVER**

What relevance (if any) does this explanation (regarding כבש or דחפו) have to the discussion here regarding הניח לו גחלת על לבו ומת פטור וכו'.

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<sup>1</sup> The victim entered the fire or water on his own.